REMARKS

Claim 13 has been amended to correct a self-evident typographical error. It is clear from claims 14 and 15, which depend from claim 13, that the naturally occurring compound is LMW-A3RAg, as recited in dependent claims 14 and 15.

The Office Action mailed June 30, 2004, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

Restriction has been required among what the Examiner considers to be patentably distinct inventions, as follows:

Group I, drawn to a low molecular weight adenosineA3 agonist, presently comprising claims 1-12; and

Group II, drawn to methods of therapeutic treatment, presently comprising claims 13-16.

Applicants hereby elect Group I, claims 1-12, with traverse.

It is respectfully submitted that the invention of Groups I and II are not distinct because, in the present case, the methods of treatment are limited to the products of Group I. That is, the method claims **require**

that a product of Group I be used in the treatment method. It is respectfully submitted that it is irrelevant that the therapeutic methods can be practiced with a materially different product, because the present invention is directed solely to LMW-A3RAg, and not to a therapeutic treatment using any other compounds other than in combination with LMW-A3Rag.

This restriction requirement is traversed on the basis of MPEP Section 803 that **requires** that the examiner examine the application on the merits if the search and examination of an entire application can be made without serious burden, even though it includes claims to independent or distinct invention. In the present case, it is respectfully submitted that the present application can be examined without serious burden, because a search encompassing the products of Group I, references were found disclosing the products of Group I, would uncover references disclosing methods of using the products of Group I, *i.e.*, methods of treatment.

If the restriction requirement is maintained and the compounds are found to be allowable, the treatment claims should be rejoined.

If the restriction requirement is maintained, it will be clear on the record that the PTO considers the two groups to be **patentably distinct** from one another *i.e., prima facie* **non-obvious** from one another. This means that a reference identical to the one group would not render the other group *prima facie* obvious.

Favorable consideration is respectfully requested.

Respectfully submitted,

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